

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:15-CR-00121-RJC-SCR

USA

v.

MIGUEL ZELAYA (37)

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ORDER

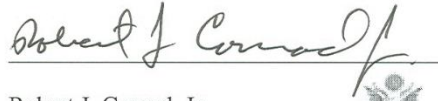
**THIS MATTER** is before the Court upon motion of the defendant pro se challenging his life sentence under Rule 60(b) of the Federal Rules of Civil Procedure. (Doc. No. 1343).

The defendant asserts that he was wrongfully convicted and sentenced by a biased judge while represented by incompetent lawyers. However, his conviction and sentence were affirmed on direct appeal to the United States Court of Appeals for the Fourth Circuit, (Doc. No. 1193), and the denial of his motion to vacate under 28 U.S.C. § 2255 was not disturbed by that appellate court, (Doc. No. 1336). Rule 60(b) does not provide a third way to challenge his criminal judgment. See United States v. Jones, 730 F. App'x 172 (4th Cir. 2018) ("The Federal Rules of Civil Procedure do not provide a vehicle by which [a defendant] may challenge his criminal judgment.").

**IT IS, THEREFORE, ORDERED** that the defendant's motion, (Doc. No. 1343), is **DISMISSED**.

The Clerk is directed to certify copies of this Order to the defendant and the United States Attorney.

Signed: September 28, 2023

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

